

January 21, 2020

By ECF

The Honorable Steven M. Gold
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *United States v. Jose Carlos Grubisich*, 19 Cr. 102 (RJD)

Dear Judge Gold:

We represent Mr. Jose Carlos Grubisich in the above-captioned case. We respectfully request that the Court so order the enclosed orders and letter rogatory.

As part of the bail package that Your Honor approved during the prior bail hearing on December 12, 2019, Your Honor imposed a condition that \$20,000,000 in assets be restrained, potentially pursuant to a restraining order, as additional security for the bond. *See* Tr. at 10:14-24; 11:3-4; 11:15-24; 17:16-18:16. Accordingly, we respectfully request that the Court enter: (i) an order restraining R\$33,460,800.00 in funds held at Banco Santander, and (ii) an order restraining R\$50,191,200.00 in funds held at Credit Suisse (together, the “Restraining Orders”), for a total sum of R\$83,652,000.00, or \$20,000,000.00 at the January 20, 2020 closing exchange rate.¹ *See* Exhibits A, B. We further request that the Court sign the proposed letter rogatory requesting the assistance of the Superior Court of Justice, Federal District of Brasília (“Brazilian Court”), to restrain the assets (the “Request Letter”). *See* Exhibit C. We have been informed by Brazilian counsel that, should the Brazilian Court issue an order approving the Request Letter, the Restraining Orders would thereby be rendered enforceable in Brazil.

Should Your Honor approve the Restraining Orders and Request Letter, Brazilian counsel will transmit the Request Letter, the Restraining Orders, and corresponding Portuguese translations to the Brazilian Court according to local procedures. Assuming the Brazilian Court then approves the Request Letter, we will present confirmation thereof to the Court and the government before requesting that the Court deem this condition of bail to have been satisfied.

The government has indicated that it will set forth its position in a separate letter.

¹ These amounts were calculated using an exchange rate of 4.1826 BRL/USD. This rate represents the middle rate between the January 20, 2020 closing bid rate of 4.1823 and the closing offer rate of 4.1829, as published by the Banco Central do Brasil. *See* <https://www.bcb.gov.br/acessoinformacao/legado?url=https:%2F%2Fwww4.bcb.gov.br%2Fpec%2Ftaxas%2Fingl%2Fptaxnpesq.asp%3Fid%3Dquotations> (accessed Jan. 21, 2020).

We thank the Court for its consideration of this request.

Respectfully submitted,
KRIEGER KIM & LEWIN LLP

By: _____

Edward Y. Kim
Henry L. Ross

Encls.

cc: AUSA Alixandra Smith
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